

ABSTRACT

Public Servants – Revenue Department - Allegation of corruption against Sri Avula Krishnaiah, Village Revenue Officer, Varani Village, Vidavalur Mandal, Sri Potti Sriramulu Nellore District – Trapped by the Anti-Corruption Bureau Officials on 18-02-2009 – Sanction of prosecution under the Prevention of Corruption Act, 1988 (Act 49 of 1988) – Orders – Issued.

REVENUE (VIGILANCE-VII) DEPARTMENT

G.O.Ms.No. 228

Dated: 20-03-2010.

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ORDER:

1. Whereas, Sri Avula Krishnaiah, S/o. late Munaiah, worked as Village Revenue Officer, Varani Village, Vidavalur Mandal, Sri Potti Sriramulu Nellore District from 25-03-1992 to 18-02-2009 and by virtue of the post held by him, he falls under the category of public servant as defined under section 2(c) of the Prevention of Corruption Act, 1988 (Act 49 of 1988);

2. And whereas, Sri Konduri Babu, S/o. Sri Subbaiah, age:42 years, is a resident of Venkatanarayanapuram Village, Vidavalur Mandal, Sri Potti Sriramulu Nellore District;

3. And whereas, it is alleged that on 17-02-2009 at 11:00 hours, Sri Konduru Babu, came to the Office of the Deputy Superintendent of Police, Anti-Corruption Bureau, Nellore and gave a written complaint stating that he belongs to Fishermen Community and he used to get his livelihood by fishing with a boat at Krishnapatnam Port until seven years back. He worked as boat operator and eight other fishermen families were depending on the boat along with him. Subsequently, the Government banned fishing at Krishnapatnam in order to develop the port on commercial lines. On that, many fishermen lost their livelihood and went to different areas and leading their lives and facing difficulties. On the agitation by the fishermen, the Government agreed to extend financial help to the displaced fishermen. In this regard, the Joint Collector asked Mandal Revenue Officials to furnish the particulars of displaced fishermen due to Krishnapatnam Port modernization. He and eight other families, who were depending on his boat and the boat of Avula Babu, are residing at Venkatanarayanapuram Village. As told by the Mandal Revenue Officials of Vidavalur, the above said nine family members including Sri K.Babu got prepared separate affidavits and enclosed copies of ration cards, and himself and his friend Sri K.Nageswara Rao met the Village

Revenue Officer Sri Avula Krishnaiah at his house at Srigouripuram Village on 13-02-2009. The Village Revenue Officer Sri Avula Krishnaiah perused the affidavits and told them that they have to pay some money in order to get the signatures of himself and the Mandal Revenue Officer, Vidavalur. On 14-02-2009 Sri K.Nageswara Rao spoke to Village Revenue Officer Sri Avula Krishnaiah on phone, and Village Revenue Officer Sri Avula Krishnaiah demanded bribe of Rs.300/- per head and asked total Rs.2,700/-. The Village Revenue Officer Sri Avula Krishnaiah told Sri K.Nageswara Rao that if they pay him bribe of Rs.2,700/-, he would sign on the papers and also get them signed by the Mandal Revenue Officer and forward the papers, and if they do not pay the money he will not do the work;

4. And whereas, it is further alleged that Sri Konduru Babu, S/o. Sri Subbaiah, age:42 years, Venkatanarayanapuram Village, Vidavalur Mandal, Sri Potti Sriramulu Nellore District, who was not willing to pay the bribe to Sri Avula Krishnaiah, Village Revenue Officer, Varani Village, Vidavalur Mandal, Sri Potti Sriramulu Nellore District approached the Deputy Superintendent of Police, Anti-Corruption Bureau, Nellore and gave a report. The Deputy Superintendent of Police, Anti-Corruption Bureau, Nellore has registered a case in Cr.No.04/RCT-NLR/2009, after due verification;

5. And whereas, on 18-02-2009 at 10:30 hours, the Deputy Superintendent of Police, Anti-Corruption Bureau, Nellore along with other Inspectors, his staff, two mediators and Sri Konduru Babu left the Anti-Corruption Bureau Office, Nellore and reached Vidavalur at 11:30 hours. At about 12:00 Noon, Sri Konduru Babu and his friend Sri K.Nageswara Rao returned and informed the Deputy Superintendent of Police, Anti-Corruption Bureau that the Village Revenue Officer Sri Avula Krishnaiah did not come to office. Then, Sri K.Nageswara Rao contacted the Village Revenue Officer Sri Avula Krishnaiah over phone, and that the Village Revenue Officer Sri Auvla Krishnaiah told Sri K.Nageswara Rao that he was at Nellore and asked them to meet him at Social Welfare Hostel at Subedarpet, Nellore. The trap party members left reached Subedarpet, Nellore at 13:20 hours. Sri Konduru Babu and his friend Sri K.Nageswara Rao were on the road in front of hostel gate, at about 13:45 hours, the Village Revenue Officer Sri Avula Krishnaiah reached there on Motor Cycle. Then Sri Konduru Babu and his friend handed over affidavits and its enclosures of all the ten persons to the Village Revenue Officer Sri Avula Krishnaiah. The Village Revenue Officer Sri Avula Krishnaiah received the same and demanded the bribe amount. On that Sri Konduru Babu took out the tainted amount from his inner shirt pocket with his right hand and gave it to the Village Revenue Officer Sri Avula Krishnaiah, and later received the same with his right hand, counted the same and put in his inner shirt pocket. Then Village Revenue Officer Sri Avula Krishnaiah replied them that he would forward them to the Tahsildar and get them signed with the latter. Then Sri Konduru Babu left the spot for a while and gave pre-arranged trap signal by wiping his face with hand. On receiving the

pre-arranged signal, the trap party members rushed to the main gate of the Social Welfare Boys Hostel. Sri Konduru Babu and his friend were found standing in front of the hostel gate and the Village Revenue Officer Sri Avula Krishnaiah was sitting on his Hero Honda Passion-Plus motor bike bearing Registration No.AP-26-R-627. The Deputy Superintendent of Police instructed Sri Konduru Babu and his friend Sri K.Nageswara Rao to stay there until they were called in. The Deputy Superintendent of Police, Anti-Corruption Bureau, Nellore got subjected the both hand fingers of Village Revenue Officer Sri Avula Krishnaiah to the chemical test and the same yielded positive result. The Village Revenue Officer Sri Avula Krishnaiah voluntarily took out a wad of currency notes from his inner shirt pocket. The 2nd mediator received the amount from Village Revenue Officer Sri Avula Krishnaiah and counted the same and compared the numerical numbers of the notes with that of the numbers already recorded in pre-trap proceedings and found tallied correctly. The Deputy Superintendent of Police, Anti-Corruption Bureau, Nellore seized the said amount of Rs.2,700/-. The chemical test over the shirt of Village Revenue Officer Sri Avula Krishnaiah also yielded positive result. The Deputy Superintendent of Police, Anti-Corruption Bureau, Nellore seized the shirt of Village Revenue Officer Sri Avula Krishnaiah. The Deputy Superintendent of Police, Anti-Corruption Bureau, Nellore seized the photostat copies of affidavits by duly attested by the mediators;

6. And whereas, the aforesaid acts of Sri Avula Krishnaiah, Village Revenue Officer, Varani Village, Vidavalur Mandal, Sri Potti Sriramulu Nellore District constitute offences punishable under sections 7 and 13(2) read-with section 13(1)(d) of the Prevention of Corruption Act, 1988 (Act 49 of 1988);

7. And whereas, the Government of Andhra Pradesh, being the competent authority to remove the said Sri Avula Krishnaiah, Village Revenue Officer, Varani Village, Vidavalur Mandal, Sri Potti Sriramulu Nellore District from Government service, after fully and carefully examining the material i.e., copies of First Information Report, Mediator's Reports-I & II, final report of the Director General, Anti-Corruption Bureau, gist of the statements of the witnesses and other documents, placed before them, in respect of the aforesaid allegations, and having regard to the facts and circumstances of the case, consider that the said Sri Avula Krishnaiah, Village Revenue Officer, Varani Village, Vidavalur Mandal, Sri Potti Sriramulu Nellore District should be prosecuted in a Court of law, for the aforesaid offences;

8. Now, therefore, in exercise of the powers conferred under clause (b) of sub-section (1) of section 19 of the Prevention of Corruption Act, 1988 (Act 49 of 1988), the Government of Andhra Pradesh hereby accord sanction for the prosecution of the said Sri Avula Krishnaiah, Village Revenue Officer, Varani Village, Vidavalur Mandal, Sri Potti Sriramulu Nellore District for the aforesaid offences punishable under sections 7 and sub-section (2) of section

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13 read-with clause (d) of sub-section (1) of section 13 of the Prevention of Corruption Act, 1988 (Act 49 of 1988) and for any other cognate offences punishable under any other provisions of law, for the time being in force, in respect of the aforesaid acts and for taking cognizance of the said offences, by a Court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Director General,
Anti-Corruption Bureau,
Andhra Pradesh, Hyderabad.